

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GERALD JAMES FETTERMAN,)
Appellant,)
)
v.) Civil Action No. 10-218
) (Bankruptcy No. 09-29034-MBM)
JAMES R. WALSH,)
Appellee.)

MEMORANDUM ORDER

The record in this case reflects that the instant appeal from an order issued by the United States Bankruptcy Court for the Western District of Pennsylvania was filed February 17, 2010. Pursuant to the undersigned's Procedural Order for Bankruptcy Appeals [document #2], the appellant's brief was due on or before March 12, 2010. No brief, nor request for extension, was filed and on March 22, 2010, a show cause order was issued to appellant, requesting that cause be shown by March 30, 2010 why the instant appeal should not be dismissed for failure to prosecute. As of the date of this order, no response to our show cause order, nor brief in support of the appeal, has been filed. Thus it appears to the Court that the appellant has abandoned this action.

Therefore, under the circumstances, and pursuant to Fed.R.Civ.P. 41(b), we will exercise our inherent power to dismiss the case due to the inaction of the party seeking relief. See Link v. Wabash Railroad Co., 370 U.S. 626 (1961).

Accordingly, this 31st day of March, 2010, IT IS HEREBY ORDERED that the instant bankruptcy appeal is dismissed.

BY THE COURT:


Gary Lancaster, C.J.
Hon. Gary L. Lancaster,
Chief United States District Judge

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cc: Hon. M. Bruce McCullough,
United States Bankruptcy Judge

All Parties of Record